

SENATE RECORD VOTE ANALYSIS

104th Congress
2nd Session

Vote No. 99

May 1, 1996, 4:03 p.m.
Page S-4492 Temp. Record

ILLEGAL IMMIGRATION/Office of Employer Sanctions

SUBJECT: Immigration Control and Financial Responsibility Act of 1996 . . . S. 1664. Bradley amendment No. 3790 to the Dole (for Simpson) amendment No. 3743.

ACTION: AMENDMENT REJECTED, 26-74

SYNOPSIS: As reported, S. 1664, the Immigration Control and Financial Responsibility Act of 1996, will address the issue of illegal immigration: by increasing the number of Border Patrol and investigative personnel; by establishing pilot programs to improve the system used by employers to verify citizenship or work-authorized alien status; by increasing penalties for alien smuggling and document fraud; by reforming asylum, exclusion, and deportation laws and procedures; and by reducing the use of welfare by aliens.

The Dole (for Simpson) perfecting amendment to the bill would strike all after the first word and would insert the text of the bill, as amended, with one technical change.

The Bradley amendment would create the Office of Employer Sanctions within the Immigration and Naturalization Service (INS) to investigate and prosecute violations of existing laws against hiring illegal aliens, to educate employers on legal requirements, and to take steps to prevent employment discrimination. The amendment would authorize \$100 million to establish the Office.

Those favoring the amendment contended:

In 1986 Congress started down the right track with the Simpson-Mazzoli Act, which imposed very tough penalties on employers for hiring illegal aliens. When all is said and done, the main reason our country is a magnet for illegal aliens is the prospect of finding jobs. If we make it impossible for aliens to find jobs, they will quit coming. In practice, though, that Act has not worked well because it has not been properly enforced, and every year enforcement slips even more. From 1989 to 1995, the number of investigations by the Immigration and Naturalization Service (INS) of employer violations dropped by more than 50 percent, and the General Accounting Office found that the number of agents assigned to workplace enforcement dropped by half between 1989 and 1994. The INS has recently begun hiring more workplace agents, but it plans on moving their number up to only 708 agents to cover a nation

(See other side)

YEAS (26)		NAYS (74)		NOT VOTING (0)	
Republicans (2 or 4%)	Democrats (24 or 51%)	Republicans (51 or 96%)	Democrats (23 or 49%)	Republicans (0)	Democrats (0)
Shelby	Akaka	Abraham	Hatfield	Baucus	
Simpson	Boxer	Ashcroft	Helms	Biden	
	Bradley	Bennett	Hutchison	Bingaman	
	Breaux	Bond	Inhofe	Bumpers	
	Bryan	Brown	Jeffords	Byrd	
	Daschle	Burns	Kassebaum	Conrad	
	Dodd	Campbell	Kempthorne	Dorgan	
	Exon	Chafee	Kyl	Feingold	
	Feinstein	Coats	Lott	Glenn	
	Ford	Cochran	Lugar	Harkin	
	Graham	Cohen	Mack	Heflin	
	Hollings	Coverdell	McCain	Johnston	
	Inouye	Craig	McConnell	Kennedy	
	Lautenberg	D'Amato	Murkowski	Kerrey	
	Levin	DeWine	Nickles	Kerry	
	Lieberman	Dole	Pressler	Kohl	
	Mikulski	Domenici	Roth	Leahy	
	Moseley-Braun	Faircloth	Santorum	Murray	
	Moynihan	Frist	Smith	Pell	
	Nunn	Gorton	Snowe	Sarbanes	
	Pryor	Gramm	Specter	Simon	
	Reid	Grams	Stevens	Wellstone	
	Robb	Grassley	Thomas	Wyden	
	Rockefeller	Gregg	Thompson		
		Hatch	Thurmond		
			Warner		

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

with 6.5 million employers. To show where the INS's priorities lie, we note that the INS also plans to increase the number of Border Control agents to 5,000. These priorities are misplaced. Only half of all illegal aliens come across the border. The other half are people who enter the country legally and overstay their visas. Without adequate enforcement, employers and aliens who overstay their visas have little incentive to obey the law. In effect, we are overlooking half of the immigration problem. The Bradley amendment would fix this problem in a straightforward manner. It would finally give the priority to workplace enforcement that is needed by creating a separate office just for that purpose and by providing enough funding to make it effective. If our colleagues agree that the United States should get serious about stopping employers from hiring illegal aliens, then they will join us in voting in favor of the Bradley amendment.

Those opposing the amendment contended:

The employer sanctions provisions that were imposed in 1986 have proven in practice to have plenty of costs and little if any benefits. Those provisions have imposed paperwork and related burdens on businesses that have been especially difficult for small businesses to bear. Further, for many businesses, the threats of lawsuits, fines, and jail sentences for hiring illegal aliens have led them to discriminate in hiring against anyone who looks or sounds foreign. In fact, the General Accounting Office surveyed the Nation's employers and 19 percent of them admitted that they began that type of illegal immigration when the Simpson-Mazzoli Act passed in 1986 precisely because they were afraid that they would hire an illegal alien by mistake and be punished. Over the years, the varying amounts that have been spent on actually enforcing the law have had little effect. Some employers discriminate, and others continue to hire illegal aliens. In many cases, those employers who hire aliens are doing so because they do not know who is and who is not really an illegal alien. By law, they are so restricted in what questions they may ask, and in what easily forged documents they must accept as proof of employability, that they cannot make accurate distinctions. Given these facts, we find it very unlikely that creating a brand new Federal bureaucracy to spend a lot more money on enforcement would help matters. Even the Administration agrees with us that spending more money on this program that has not worked for 10 years is not likely to make it start working. In summary, the Bradley amendment would create a new bureaucracy to pursue a solution that has already proven to be a failure. Clearly this amendment should be defeated.